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Receiver for Westsound Bank

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 FEDERAL DEPOSIT INSURANCE  
11 CORPORATION AS RECEIVER FOR  
WESTSOUND BANK.

NO. 2:13-cv-01592-JLR

**Plaintiff,**

v.

~~PROPOSED~~  
JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE

EDUARD DAVIDYUK AND JANE DOE  
DAVIDYUK, HUSBAND AND WIFE;  
JOHN AND JANE DOES, OCCUPANTS  
OF THE PREMISES.

## Defendants

19       THIS MATTER came on for consideration and presentation of the Judgment and  
20 Decree of Judicial Foreclosure proposed by Plaintiff Federal Deposit Insurance  
21 Corporation as Receiver for Westsound Bank (“FDIC-R”). Having reviewed the files and  
22 pleadings in this matter and being fully advised;

23 It is ORDERED, ADJUDGED AND DECREED as follows:

JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE - 1  
CASE NO. 2:13-cv-01592-JLR

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1       1. Plaintiff FDIC-R's Motion for Summary Judgment was granted on June 25,  
2 2014;

3       2. No just reason exists for delay in the entry of Judgment in favor of Plaintiff  
4 as prayed for in the Complaint and it is hereby expressly directed that Judgment be entered  
5 in favor of Plaintiff as hereinafter more particularly set forth;

6       3. Plaintiff FDIC-R shall have and recover a Supplemental Judgment against  
7 Defendant Eduard Davidyuk in the amount of \$ 40,131.29 as and for reasonable  
8 attorney's fees and related nontaxable expenses incurred by Plaintiff, plus Plaintiff's  
9 additional costs and disbursements herein to be taxed according to its Bill of Costs; JLR

10      4. Said Supplemental Judgment shall bear interest at 12% per annum until  
11 paid;

12      5. That certain Deed of Trust (hereinafter the "Deed of Trust") executed and  
13 delivered by Defendant Eduard Davidyuk under date July 11, 2006, in favor of Westsound  
14 Bank d/b/a Westsound Mortgage, as recorded on July 24, 2006, by the King County  
15 Auditor as Instrument No. 20060724002502; and that certain Modification of the Deed of  
16 Trust executed and delivered by Eduard Davidyuk under date June 28, 2007, as recorded  
17 on July 27, 2007, by the King County Auditor as Instrument No. 20070727001958; and  
18 that certain Modification of the Deed of Trust executed and delivered by Eduard Davidyuk  
19 under date February 1, 2008, and recorded on March 5, 2008, by the King County Auditor  
20 as Instrument No. 20080305001923; encumbering the property legally described as  
21 follows:

22                   Lot 2, City of Bellevue Short Plat No. 05-131188 LF, Recorded Under  
23 Recording Number 20060510900013, in King County, Washington.

24                   Commonly known as 6322 168<sup>th</sup> Pl SE, Bellevue, Washington 98006, is hereby adjudged

25 JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE - 2

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1 and decreed to be a valid, subsisting, first, prior, and paramount lien upon the real property  
2 above-described, prior and superior to any and all right, title, interest, lien or estate of the  
3 Defendants, or any of them, or of anyone claiming by, through, or under them in and to  
4 said real property, securing the payment of the Note Judgment and Supplemental Judgment  
5 herein rendered; that said Deed of Trust be, and the same is hereby, foreclosed and the real  
6 property therein described is hereby ordered to be sold by the Sheriff of King County,  
7 Washington, in the manner provided by law for deed of trust foreclosures and in  
8 accordance with the practice of this Court and the King County Superior Court; that the  
9 proceeds of such sale should be applied toward the payment of the Note Judgment and  
10 Supplemental Judgment rendered herein in favor of Plaintiff together with interest, any  
11 costs and increased costs of sale; any advances that Plaintiff may be required to pay after  
12 the entry of Supplemental Judgment herein for taxes, assessment, other items constituting  
13 liens against the property, insurance and/or repairs for the protection of the property;

14       6. That if the proceeds of the foreclosure sale are insufficient to pay said  
15 Judgment, Supplemental Judgment, interest, advances, and costs of sale in full, that  
16 Plaintiff have a judgment for any deficiency against Defendant Eduard Davidyuk, and that  
17 said judgment shall bear interest at 12% per annum;

18       7. That Plaintiff be and it is hereby permitted to become a bidder and  
19 purchaser at such sale;

20       8. That the purchaser at such sale shall be entitled to the sole and immediate  
21 possession of said real property subject only to such rights of redemption and rights of  
22 possession during the redemption period as are provided by law;

23       9. That Defendants, and any and all persons claiming by, through, or under  
24 him be, and the same are hereby, forever barred and foreclosed from any and all right, title,

25 JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE - 3

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1 interest, lien, or estate in and to said real property, or any part thereof, save only such  
2 rights of redemption as are provided by law;

3       10. That any and all persons acquiring any right, title, interest, lien, or estate in  
4 and to the real property above-described, or any part thereof, subsequent to July 11, 2006,  
5 the date of Plaintiff's security interest which was foreclosed herein be, and they are hereby,  
6 foreclosed of any such right, title, interest, lien, or estate as against Plaintiff in this action  
7 or any successor thereto;

8        11. That all right, title and interest in and to any policy of hazard insurance  
9 insuring the said premises shall pass to the purchaser at such sheriff's sale at the time of  
10 such sale;

11       12. That the period of redemption from such sheriff's sale be, and the same is  
12 hereby, fixed at twelve (12) months next ensuing after said sale; and

13       13. That if any surplus remains from the proceeds of said sale after payment of  
14 Plaintiff's Note Judgment, Supplemental Judgment, costs, attorney's fees, interest,  
15 increased costs, and increased interest, and any advances that Plaintiff may be required to  
16 make subsequent to the entry of Supplement Judgment for taxes, insurance, and protection  
17 and preservation of the property, the same be deposited in the registry of this Court for  
18 later determination between claimants subordinate to Plaintiff.

19 Dated this 14 day of August, 2014.

JAMES L. ROBART  
U. S. District Court Judge

25 JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE - 4

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1 CERTIFICATE OF SERVICE

2 I certify under penalty of perjury under the laws of the State of Washington and the  
3 United States of America that on the 17<sup>th</sup> day of July, 2014, I electronically filed the foregoing  
4 PROPOSED JUDGMENT AND DECREE OF JUDICIAL FORECLOSURE, with the Clerk  
5 of the Court using the CM/ECF System, which will send email notification of such filing to  
6 the following parties:

7 David A. Leen [X] By CM ECF  
8 Leen & O'Sullivan, PLLC [ ] By United States Mail  
520 E. Denny Way [ ] By Legal Messenger  
9 Seattle, WA 98122 [ ] By Federal Express  
*Attorneys for Defendants*

10 Dated this 17<sup>th</sup> day of July, 2014, at Seattle, Washington.

11  
12 /s/ Ana I. Todakonzie  
Ana I. Todakonzie

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25 JUDGMENT AND DECREE  
OF JUDICIAL FORECLOSURE - 5  
CASE NO. 2:13-cv-01592-JLR

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